DETAILED ACTION

1. In the Amendment filed on February 08, 2012 Applicant amended claims 37, 41, and 45. Claims 37-48 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 37-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2001/0053247 A1 to Sowinski et al. (hereinafter, Sowinski) in view of U.S. Patent No. 6,821,034 B2 to Ohmura and further in view of U.S. Patent Application No. 2002/0145755 A1 to Yamazaki et al. (hereinafter, Yamazaki).

In regard to claims 37, 41, and 45, Sowinski discloses a print-ordering system comprising: a user terminal having a display device located at a first location (**Sowinski, Fig. 5 for user terminal, Fig. 5, item 509 for display device**); a server having an image database, said server being located at a second location, said second location being different from said first location (**Sowinski, Fig. 6, and [0127], image database is inherent since sample images are being used**); a print system; at least one

processor (**Sowinski, Fig. 5, item 505 and/or 510**); at least one memory device (**Sowinski, Fig. 5, item 511**) storing a plurality of instructions which when executed by the at least one processor, cause the at least one processor to operate with the user terminal (**Sowinski, [0152]**), the server and the print system to:

(a) enable a user to select an image to use for selecting an image-processing mode by enabling a user to select:

(i) a predetermined sample image stored in the image database (**Sowinski, [0127]**);

(b) in response to the predetermined sample image being selected:

(i)cause the server to generate a plurality of first image-processing-mode-selection images based on said predetermined sample image, each of said first image-processing-mode-selection images being subjected to different image processes (**Sowinski, Fig. 10, item 1004, and [0127]**);

(ii) cause the display device to display each of said generated first image processing-mode-selection images (**Sowinski, Fig. 10, item 104, and [0127]**);

(iii) enable the user to select one of the displayed first image-processing-mode- selection images (**Sowinski, Fig. 10, item 104, and [0127]**);

(iv) in response to one of the displayed image-processing-mode-selection images being selected, cause the server to store a first image processing mode based on said selected first image-processing-mode-selection image (**Sowinski, Fig. 10, item 104, and [0124], and [0127] - [0129]**); and

(v) cause the printer system to execute print processing for subsequent images based on the first image processing mode stored by said server (**Sowinski, Fig. 10, item 104, and [0124], and [0127] - [0129]**).

It does not appear that Sowinski discloses enabling a user to select an image stored in the user terminal; and in response to the image stored in the user terminal being selected:

(i) transmitting the image stored in the user terminal to the server;

(ii) causing the server to generate a plurality of second image-processing-mode-selection images based on said transmitted image, each of said second image-processing-mode-selection images being subjected to different image processes;

(iii) causing the display device to display each of said generated second image-processing-mode-selection images;

(iv) enabling the user to select one of the displayed second image-processing-mode-selection images;

(v) in response to one of the displayed second image-processing-mode-selection images being selected, cause the server to store a second image processing mode based on said selection of the displayed second image- processing-mode-selection image; and

(vi) causing the printer system to execute print processing based on the second image processing mode stored by said server, or that that the predetermined sample image is not owned by the user; or

causing the printer system to execute print processing for subsequent images transmitted from the user terminal based on the first image processing mode stored by said server.

Although the claim is detailed, the Examiner notes that the only difference between claims 37, 41, and 45 and Sowinski is that claims 37, 41, and 45 allow a user to select his own image on the client device and then use that image for the processing that would be done on the sample image as disclosed in Sowinski and that that the predetermined sample image is not owned by the user. Moreover, claims 37, 41, and 45 are operable to cause the printer system to execute print processing for subsequent images transmitted from the user terminal based on the first image processing mode stored by said server.

That is, Sowinski discloses everything except the user using his/her own images transmitted from the user terminal.

Taking this into consideration, Ohmura discloses that a user can transmit an image to a shop for processing through the internet (**Ohmura, col. 1, lines 20-25**).

Sowinski and Ohmura are combinable because they both deal processing an image.

Thus, it would have been obvious to one of ordinary skilled in the art at the time of the invention looking at the disclosures of both Sowinski and Ohmura to provide an improved function of allowing a user to transmit an image from his/her PC to a shop for processing through the internet.

The modification to Sowinski could be accomplished by allowing a user to transmit an image from his/her PC to a shop for processing through the internet to the system of Sowinski according to the teaching of Ohmura to obtain the invention as specified in the claim.

Further a person of ordinary skill in the art would have recognized the compatibility of allowing a user to transmit an image from his/her PC to a shop for processing through the internet with the system of Sowinski.

The combination has a reasonable expectation of success in that the modifications can be made using conventional and well known engineering and programming techniques, and both Sowinski and Ohmura are not altered and continue to perform the same function separately, and the resultant combination produces the highly predictable result of allowing the a user to process an image.

One of ordinary skilled in the art would have been motivated to combine the teachings of Sowinski and Ohmura in order to increase the amount of images available to a user, and so that a user can work process his/her own image that may have just been produced. This would increase user satisfaction.

Moreover, one of ordinary skilled in the art at the time of the invention would have been motivated to combine the teachings of Sowinski and Ohmura so that a processing shop could accept images from everywhere (**Ohmura, col. 1, lines 36-38**). This would allow for increased revenue and owner satisfaction.

The combination of Sowinski and Ohmura would result in the limitations of claims 37, 41, and 45, less the limitation that that the predetermined sample image is not owned by the user.

Ohmura does not disclose that the predetermined sample image is not owned by the user.

Yamazaki, however, discloses using sample images not owned by a user for processing (**Yamazaki, [0024] and [0046]**).

It would have been obvious to one of ordinary skilled in the art at the time of the invention to combine the teachings of Yamazaki with the teachings of Sowinski and Ohmura for using sample images not owned by a user for processing in order to reduce the bandwidth that is used and thereby reduce the time the user has to wait to access the system (**Yamazaki, [0006]**). That is, if a user uses a sample image not owned by the user, the user does not have to upload images before, for example trying out the system. This increases user satisfaction.

Another motivation for the combination would be to increase the amount of images available to a user for processing. This increases user satisfaction.

Since Sowinski discloses causing the printer system to execute print processing for subsequent images transmitted from the user terminal based on the first image processing mode stored by said server, and Ohmura discloses that a user can transmit an image to a shop for processing through the internet (**Ohmura, col. 1, lines 20-25**), the combination would result in causing the printer system to execute print processing

for subsequent images transmitted from the user terminal based on the first image processing mode stored by said server.

In regard to claims 38, 42, and 46, which depend from claims 37, 41, and 45, respectively, the combination of Sowinski and Ohmura disclose wherein when execute by the at least one processor, the instructions cause the processor to operate with the user terminal and the server to, for at least one of the first image processing mode and the second image processing mode, transmit, to the User terminal, at least two image-processing-mode-selection images obtained by performing a multilevel-image processing (**Sowinski, Fig. 10, item 104, and [0127], and Ohmura, col. 1, lines 20-25**).

In regard to claims 39, 43, and 47, which depend from claims 37, 41, and 45, respectively, the combination of Sowinski and Ohmura disclose wherein when execute by the at least one processor, the instructions cause the processor to operate with the user to terminal to:

(a) enable the user to select a type of image processing mode (**Sowinski, Fig. 10, item 104, and [0127]**); and

(b) determine the first or the second image processing mode based on said selected type (**Sowinski, Fig. 10, item 104, and [0127], and Ohmura, col. 1, lines 20-25**).

In regard to claims 40, 44, and 48, which depend from claims 37, 41, and 45, respectively, Sowinski discloses the first image processing mode and the second image processing mode include outline emphasis, hue, color density, gradation or contrast (**Sowinski, [0126], lines 3-12, hue**).

Response to Arguments

4. Applicant's arguments with respect to claims 37-48 have been carefully considered but are not persuasive.

In regard to Applicant's arguments with respect to the rejection of claims 37-48, Applicant argues that the cited references do not disclose enabling a user to select an image to use for selecting an image-processing mode by enabling a user to select one of: (i) a predetermined sample image stored in the image database, the predetermined sample image being not owned by the user; or (ii) an image stored in the user terminal. See Amendment, pgs. 10-11.

The Examiner has considered this argument carefully, but does not agree. In Sowinski, the user selects a predetermined sample image for starting the mode, i.e., selecting the image to use for selecting an image-processing mode. See, for example, Sowinski, [0127]. Of course, Ohmura was cited for a user selecting an image stored in the user terminal image for starting the mode, i.e., selecting the image to use for selecting an image-processing mode. See, for example, Ohmura, col. 1, lines 20-25.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC A. RUST whose telephone number is (571)-270-3380. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on (571)-272-7490. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4380.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ERIC A. RUST/

Examiner, Art Unit 2625

02/20/2012

/BENNY Q TIEU/

Supervisory Patent Examiner, Art Unit 2625